

## HOUSE BILL NO. 388

INTRODUCED BY G. GOLIE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN APPLICANT FOR A HUNTING OR FISHING LICENSE MAY PROVIDE THE APPLICANT'S DRIVER'S LICENSE NUMBER OR OTHER IDENTIFYING NUMBER, RATHER THAN THE APPLICANT'S SOCIAL SECURITY NUMBER, IF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES RECEIVES A FEDERAL EXEMPTION ALLOWING THE USE OF IDENTIFYING NUMBERS OTHER THAN SOCIAL SECURITY NUMBERS BY LICENSE APPLICANTS; PROVIDING A PENALTY FOR PURPOSELY OR KNOWINGLY DISCLOSING A SOCIAL SECURITY NUMBER; REDUCING THE TIME THAT A RECORD OF THE SOCIAL SECURITY NUMBER MAY BE RETAINED; AMENDING SECTIONS 87-2-106 AND 87-2-202, MCA; AND PROVIDING EFFECTIVE DATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 87-2-106, MCA, is amended to read:

**"87-2-106. Application for license -- penalties for violation -- forfeiture of privileges.** (1) A license may be procured from the director, a warden, or an authorized agent of the director. The applicant shall state the applicant's name, age, [social security number], occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, ~~and~~ status as a citizen of the United States or as an alien, and other facts, data, or descriptions as may be required by the department. An applicant for a resident license shall present a valid Montana driver's license, Montana driver's examiner's identification card, or other identification specified by the department to substantiate the required information. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a license. It is unlawful and a misdemeanor for a license agent to sell a hunting, fishing, or trapping license to an applicant who fails to produce the required identification at the time of application for licensure. Except as provided in subsections (2) through (4), the statements made by the applicant must be subscribed to before the officer or agent issuing the license.

(2) Except as provided in subsection (3), department employees or officers may issue licenses by mail. Statements on an application for a license to be issued by mail need not be subscribed to before the

1 employee or officer.

2 (3) To apply for a license under the provisions of 87-2-102(7), the applicant shall apply to the  
3 director and shall submit at the time of application a notarized affidavit that attests to fulfillment of the  
4 requirements of 87-2-102(7). The director shall process the application in an expedient manner.

5 (4) A resident may apply for and purchase a wildlife conservation license, hunting license, or  
6 fishing license for the resident's spouse, parent, child, brother, or sister who is otherwise qualified to  
7 obtain the license.

8 (5) A license is void unless subscribed to by the licensee and by an employee or officer of the  
9 department or by a license agent or an authorized representative of the license agent.

10 (6) It is unlawful to subscribe to any statement, on an application or license, that is materially  
11 false. Any material false statement contained in an application renders the license issued pursuant to it  
12 void. A person violating any provision of this subsection is guilty of a misdemeanor.

13 (7) (a) A person not meeting the residency criteria set out in 87-2-102 who is convicted of  
14 affirming to a false statement to obtain a resident license shall be:

15 (i) fined not less than the greater of \$100 or twice the cost of the nonresident license that  
16 authorized the sought-after privilege or more than \$1,000;

17 (ii) imprisoned in the county jail for not more than 6 months; or

18 (iii) both fined and imprisoned.

19 (b) In addition to the penalties specified in subsection (7)(a), upon conviction or forfeiture of bond  
20 or bail, the person shall forfeit any current hunting, fishing, and trapping licenses and the privilege to hunt,  
21 fish, and trap in Montana for not less than 18 months.

22 (8) It is unlawful and a misdemeanor for a person to purposely or knowingly assist an unqualified  
23 applicant in obtaining a resident license in violation of this section.

24 (9) ~~The~~ If the applicant provides a social security number, the department shall keep the  
25 applicant's social security number confidential, except that the number may be provided to the department  
26 of public health and human services for use in administering Title IV-D of the Social Security Act. A public  
27 employee who purposely or knowingly discloses an individual's social security number without the  
28 individual's authorization for purposes not authorized by law commits the offense of official misconduct.  
29 A private employee who is authorized to issue licenses and who purposely or knowingly discloses an  
30 individual's social security number without the individual's authorization for purposes not authorized by

1 law is guilty of a misdemeanor and upon conviction is subject to a fine of \$500, imprisonment for up to  
2 6 months, or both.

3 (10) The department shall delete an applicant's social security number in any electronic database  
4 5 2 years after the date that application is made for the most recent license."

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6 **Section 2.** Section 87-2-202, MCA, is amended to read:

7 **"87-2-202. Application -- fee -- expiration.** (1) A wildlife conservation license must be sold upon  
8 written application. The application must contain the applicant's name, age, [social security number],  
9 occupation, street address of permanent residence, mailing address, qualifying length of time as a resident  
10 in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by  
11 the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's  
12 identification card, or other identification specified by the department to substantiate the required  
13 information when applying for a wildlife conservation license. It is the applicant's burden to provide  
14 documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation  
15 license. It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an  
16 applicant who fails to produce the required identification at the time of application for licensure.

17 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be  
18 recorded according to rules that the department may prescribe.

19 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$4.

20 (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$5.

21 (4) Licenses issued are void after the last day of February next succeeding their issuance.

22 (5) ~~The~~ If the applicant provides a social security number, the department shall keep the  
23 applicant's social security number confidential, except that the number may be provided to the department  
24 of public health and human services for use in administering Title IV-D of the Social Security Act. A public  
25 employee who purposely or knowingly discloses an individual's social security number without the  
26 individual's authorization for purposes not authorized by law commits the offense of official misconduct.  
27 A private employee who is authorized to issue licenses and who purposely or knowingly discloses an  
28 individual's social security number without the individual's authorization for purposes not authorized by  
29 law is guilty of a misdemeanor and upon conviction is subject to a fine of \$500, imprisonment for up to  
30 6 months, or both.

(6) The department shall delete the applicant's social security number in any electronic database 5 2 years after the date that application is made for the most recent license."

**NEW SECTION. Section 3. Contingent termination.** (1) If the director of the department of public health and human services certifies to the governor and the secretary of state in writing that the federal government has granted the state of Montana an exemption from the requirement that an applicant under 16 years of age provide a social security number on an application for a recreational license, the bracketed language in 87-2-106(1) and 87-2-202(1) shall read: "social security number for an applicant 16 years of age or older".

(2) If the director of the department of public health and human services certifies to the governor and the secretary of state in writing that the federal government has granted the state of Montana an exemption from the requirement that a Montana resident provide a social security number on an application for a recreational license, the bracketed language in 87-2-106(1) and 87-2-202(1) shall read: "social security number for a nonresident applicant; social security number, driver's license number, or Montana identification card number issued by the department of justice for a resident who does not hold a Montana driver's license if the applicant has provided a social security number when applying for the Montana identification card".

(3) If the director of the department of public health and human services certifies to the governor and the secretary of state in writing that the federal government has granted the state of Montana an exemption from the requirement that any applicant provide a social security number on an application for a recreational license, the bracketed language in 87-2-106(1) and 87-2-202(1) shall read: "social security number for a nonresident applicant who does not hold and present a valid driver's license from the applicant's state of residence; social security number, driver's license number, or Montana identification card number issued by the department of justice for a resident who does not hold a Montana driver's license if the applicant has provided a social security number when applying for the Montana identification card".

(4) If the director of the department of public health and human services certifies to the governor and the secretary of state in writing that the federal government, through repeal or amendment of federal law, no longer requires an applicant to provide a social security number on an application for a recreational license, the bracketed language in 87-2-106(1) and 87-2-202(1) is void.

1           (5) The secretary of state shall notify the code commissioner of the occurrence of any of the  
2 contingencies in subsections (1) through (4).

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4           NEW SECTION. **Section 4. Effective dates.** (1) Except as provided in subsection (2), [this act] is  
5 effective on passage and approval.

6           (2) If one or more of the contingencies in [section 3] occur, the applicable contingency is effective  
7 upon certification of that contingency to the governor and the secretary of state and notification to the  
8 Montana code commissioner.

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